



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: Regional Directors, Director – Air Permits, Director – Air Compliance, Director – Data Analysis and Planning, Director – Regulatory Affairs, Air Permit Managers, Air Compliance Managers

CC: Richard F. Weeks, Chief Deputy Director
James J. Golden, Deputy Director for Program Development

FROM: Michael G. Dowd – Director, Air Division

SUBJECT: APG-572: Interim Guidance for Exemption for Swine Incinerators

DATE: June 23, 2010

Purpose:

This policy serves in the interim until such time as the Minor New Source Review (NSR) Regulation (9 VAC 5-80-1100 et seq.) is amended to include swine incinerators as an exempt source category under section 1320. Please note this guidance applies only to swine incinerators. Permit staff shall continue to follow agency permitting procedures when evaluating other types of pathological incinerators for permitting applicability.

Applicability:

This guidance applies to swine incinerators that:

- Operate at a maximum rated capacity of 400 pounds per hour (lbs/hr) or less;
- Use natural gas, liquid petroleum gas, and/or distilled petroleum liquid fuel; and
- Only burn pathological (swine) waste.

Implementation:

A. New or Existing non-permitted swine incinerators:

To qualify for this exemption, new or existing units must meet the following engineering and operational specifications:

1. Auxiliary fuels for each unit will be limited to natural gas, liquid petroleum gas, and/or distilled petroleum liquid fuel. Solid fuels, waste materials, or residual petroleum oil products will not be used to fire the unit.
2. The waste burned in the unit will be limited to pathological waste (swine) only. Litter and animal bedding or any other waste materials will not be burned.
3. The manufacturer's designed burn rate or "capacity rate" of the unit will be limited to 400 pounds per hour (lbs/hr) or less. This value applies only to the mass of the swine and does not include the mass of the fuel.

In addition to the technical specifications of the equipment, the following additional conditions will apply to the operations of exempt units:

1. The incinerator will be used solely to dispose of swine originating on the farm where the incinerator is located.
2. The incinerator will be owned and operated by the farm owner/operator.
3. The incinerator will not be charged beyond the manufacturer's recommended rated capacity.
4. The incinerator will comply with the Virginia Administrative Code's citations for Incinerators (9 VAC 5 Chapter 40, Part II, Article 7), Visible Emissions (9 VAC 5-50-80), Standard for Odorous Emissions (9 VAC 5-50-140), and Registration of Emission Units (9 VAC 5-20-160).
5. Records shall be maintained on site to demonstrate compliance with the basis for the exemption including the total amount of pathological waste incinerated and the fuel usage on a calendar quarter basis.

For swine incinerators to qualify for this exemption, they must be evaluated independently. The owner/operator will provide the regional office with the technical and operational information they will need for the evaluation using the air application Form 7. Once the regional office has determined that the incinerator meets all of the above criteria, the incinerator will be considered exempt from further permitting requirements. (Refer to the attached example letter to be sent to owners acknowledging exempt status.) If it is determined that the incinerator does not meet one or more of the technical or operational conditions described above, then a minor NSR permit will be required.

B. Existing Swine Incinerators currently permitted:

In applying this policy, each regional office should evaluate the existing situation for each individual incinerator currently permitted. In some cases, based on the requirements contained in the permit, it may be justified to rescind the existing permit.

This decision to rescind the permit should be based on, but not limited to, the compliance history of the facility with respect to applicable emission standards, any site specific conditions contained in the existing permit, the requirements contained in the permit relative to what would be required of other registered sources and the potential for adverse air quality impacts based on site suitability and local land use issues.

Any decisions made to rescind permits or conditions should be properly documents in the permitting files as well as in any agency databases used to track permitting actions.

Questions or comments on this guidance should be directed to the Office of Air Permit Programs.

EXAMPLE EXEMPTION LETTER

DATE

«MrMs» «FirstName» «MiddleInitial» «LastName»
«Title»
«Company»
«StreetName»
«City», «State» «Zip»

Location: «CountyCity»
[Registration No.: «RegNo»]
[Plant ID No. «CountyNo»-«PlantNo»]

Dear «MrMs» «LastName»:

The staff of the «Region» Regional Office (DEQ) has reviewed your permit application dated «AppDate», and received by this office on «RecDate» regarding the transfer and operation of the following swine incinerator.

Model	Maximum Rated Capacity	Fuel	Waste Product
«Model»	«MRC(lbs/hr)»	«Fuel»	Swine

Based on the information submitted and the agency's current Swine Incinerator Policy, there is no requirement to permit this equipment at this time provided the following conditions are met:

- The swine incinerator is to be located at «Location», in «County» County, Virginia. The incinerator is to be used only for swine carcasses originating on the farm where the incinerator is located.
- The incinerator shall be operated consistent with manufacturer recommendations, e.g. that it is not being charged at a rate that exceeds the specified design capacity of «MRC» pounds per hour. Such operation ensures that emissions levels will remain below permit exemption standards.
- Records should be maintained on site to demonstrate compliance with the basis of this exemption from permitting. Such records shall include, but are not limited to, the total annual amount of incinerated material (in tons) and fuel usage (in gallons). Any changes in the proposed operation of the swine incinerator may require a permit.

In the event of any change in control or ownership of the swine incinerator, notify the succeeding owner/operator of the existence of this exemption by letter and send a copy of that letter to the Director, «Region» Regional Office (9 VAC 5-80-1180).

You are reminded that even though the emission unit is exempt from permitting, operation of the swine incinerator is still subject to applicable sections of the Regulations. Such applicable requirements include, but are not limited to, Emission Standards for Incinerators (Rule 4-7), Standards of Performance for Visible Emissions (Rule 5-1), Standards of Performance for Odorous Emissions (5-2) and Registration of Stationary Sources (9 VAC 5-20-160).

This exemption letter shall not relieve «Facility» of the responsibility to comply with all other local, state, and federal regulations.

If you have questions concerning this matter please contact «Engineer» at «RegPhone». Your concern for Virginia's Air Quality is appreciated.

Sincerely,

«APMName»
Regional Air Permit Manager

«APMInitials»/«EngrInitials»/«FileName»

cc: file